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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,763	02/05/2002	Dorothy B. Dudley	21990.001	9259

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EXAMINER

WELCH, GARY L

ART UNIT PAPER NUMBER

3765

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/068,763

Applicant(s)

DUDLEY, DOROTHY B.

Examiner

Gary L. Welch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-52 and 54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-20, 42-44 and 54 is/are rejected.
- 7) ☒ Claim(s) 21-41 and 45-52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment, filed 28 June 2005, has been reviewed and considered. Claim 1 is canceled and claims 2, 7, 8, 21, 42, 45, 49 and 54 are amended. There was no claim 53 in the application. Therefore, claims 2-52 and 54 are currently pending.
2. The previous examiner indicated in the Office Action mailed 28 March 2005 that claims 2-6, 9-16 and 19-54 contained allowable subject matter. Applicant's amendment of 28 June 2005 incorporated the substance of claim 1 into claim 2 so as to place the application in condition for allowance.
3. However, an updated search and further review of the prior art of record has prompted the following rejections.

### ***Claim Objections***

4. Claim 38 objected to because of the following informalities: Claim 38 depends from canceled claim 1.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 2, 3, 7-9, 19 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Quinn (U.S. 4,739,911).

Quinn discloses an apparatus 10 for organizing and displaying clothing. The apparatus 10 is a humanlike form with at least one peg 26 projecting from the form for suspending articles of clothing therefrom. The humanlike form is three-dimensional since the apparatus has a length, width and thickness. The form has a head 14, neck 16, torso 12 and two arms 20. Two legs and two feet are not illustrated but disclosed (Col. 3, lines 14-21) so that the entire body is provided to hang skirts and trousers.

With regard to claim 3, the peg 26 projects from the neck.

With regard to claims 7 and 9, the peg 26 has an outer end with an upward extent greater than a portion of the peg inward of the outer end (Figure 3).

With regard to claim 8, the peg 26 has an enlarged outer end (Figure 3).

With regard to claim 19, the form is fabricated from plastic (Col. 1, lines 58-66).

With regard to claim 54, the two feet have a top and a bottom. The top of each foot has a leg hole of sufficient size for the lower end portions to be inserted into the leg holes. The bottom of the foot is affixed to the base.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quinn (U.S. 4,739,911).

Quinn discloses the invention substantially as claimed above.

However, Quinn does not disclose a plurality of pegs for suspending articles.

Since Quinn discloses that an entire humanlike form can be provided so as to hang skirts and trousers therefrom, it would have been obvious to provide a plurality of hooks to accommodate the various types of clothing.

With regard to claims 5 and 6, it would have been obvious to provide a peg and loop on the leg portion to accept an article of clothing such as pants and socks.

With regard to claim 10, the peg 26 has an outer end with an upward extent greater than a portion of the peg inward of the outer end (Figure 3).

9. Claims 11-18, 20 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quinn (U.S. 4,739,911) in view of Bublitz et al. (U.S. 6,601,326).

Quinn discloses the invention substantially as claimed above.

However, Quinn does not disclose that the hand and elbow of each arm are pivotally connected.

Bublitz et al. teaches a human-figure display system 15 having two arms. Each arm is pivotally connected at the shoulder, elbow and hand via pins 62 so as to configure the display system in various positions while displaying clothing and accessories.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the arms of Quinn with pivotally connected joints as taught by Bublitz et al. so as to configure the display system in various positions while displaying clothing and accessories.

With regard to claim 12, the palm of the hand is concaved as seen in figure 1.

With regard to claim 13, a tray 17 is connected to the hand portion and since the hand can be rotated around the joint, the tray 17 can be positioned to receive and hold an article thereon.

With regard to claim 14, the torso has an upper member connected to a lower member for adjustable extension (figure 4).

With regard to claim 15, the legs include an upper and lower portions connected to one another (figure 4).

With regard to claim 16, the neck is adjustably connected to the upper member of the torso (figure 4).

With regard to claims 17 and 18, the form is supported on base 39.1

With regard to claim 20, the form is fabricated from plastic.

With regard to claims 42-44, the invention is disclosed in one or more of the above rejected claims.

***Allowable Subject Matter***

10. Claims 21-41 and 45-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

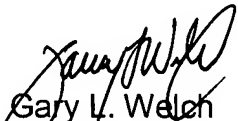
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mallen '654 discloses a support for hanging clothing thereon having a base, two legs, a neck and a plurality of pegs extending outwardly therefrom. Scarpa et al. '071 discloses a garment display device having a neck, torso, two arms, a leg and a base. Toy '514 discloses an apparatus for displaying garments having a torso, two arms, a neck and a base and a plurality of pegs. Martin '849 discloses an apparatus for displaying articles of clothing having pegs that have an outward extend greater than an inward extent. Motazedí '213 discloses a three dimensional object having a head, neck, two arms, two legs and a peg for retaining clothes thereon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary L. Welch  
Primary Examiner  
Art Unit 3765

glw